

JAMES E. TORGERSON (Alaska Bar No. 8509120)
MATTHEW COHEN (Washington Bar No. 11232)
HELLER EHRMAN LLP
510 L Street, Suite 500
Anchorage, AK 99501-1959
Telephone: (907) 277-1900
Facsimile: (907) 277-1920
jim.torgerson@hellerehrman.com
matt.cohen@hellerehrman.com

Attorneys for Intervenor
NANA REGIONAL CORPORATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON,
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA
INCORPORATED,

Defendant,

NANA REGIONAL CORPORATION, and
NORTHWEST ARCTIC BOROUGH,

Intervenor-Defendants.

Case No.: A04-cv-00049-JWS

**[PROPOSED] ORDER DENYING
PLAINTIFFS' MOTION FOR
LEAVE TO FILE LIMITED
SUMMARY ADJUDICATION
MOTION [Re: Motion at Docket 185]**

The Court has reviewed Plaintiffs' Motion for Leave to File Limited Summary Adjudication Motion at docket 185, Defendants' Joint Opposition at docket 189, and the reply thereto.

Because Plaintiffs' Motion requests rulings on issues on which the Court already has either explicitly reserved judgment or ruled and is untimely, Plaintiffs' Motion at docket 185 is **DENIED**.

[PROPOSED] ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE LIMITED SUMMARY ADJUDICATION MOTION; ADAMS, ET AL. V. TECK COMINCO ALASKA INCORPORATED, ET AL.;
CASE NO.: A04-0049 CIVIL (JWS)
PAGE 1 OF 2

Heller Ehrman LLP
510 L STREET, SUITE 500
ANCHORAGE, AK 99501-1959
TELEPHONE (907) 277-1900

DATED at Anchorage, Alaska this ____ day of _____ 2008:

JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

This is to certify that on the 22nd day of January, 2008, a true and correct copy of the foregoing [PROPOSED] ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE LIMITED SUMMARY ADJUDICATION MOTION was served, via electronic service, on the below identified parties of record:

Luke W. Cole
Center on Race, Poverty & the Environment
47 Kerny Street, Suite 804
San Francisco, CA 94108
luke@igc.org

Counsel for Plaintiffs
Served via:
☐ Facsimile ☐ Regular U. S. Mail
☐ Hand Delivery ☒ Electronic transmission

Nancy S. Wainwright
Law Offices of Nancy S. Wainwright
13030 Back Road, Suite 555
Anchorage, AK 99515-3538
nsw@alaska.com

Counsel for Plaintiffs
Served via:
☐ Facsimile ☒ Regular U. S. Mail
☐ Hand Delivery ☒ Electronic transmission

Sean Halloran
Hartig Rhodes Hoge & Lekisch, P.C.
717 K Street
Anchorage, AK 99501
sean.halloran@hartig.com

Counsel for Defendant Teck Cominco
Served via:
☐ Facsimile ☐ Regular U. S. Mail
☐ Hand Delivery ☒ Electronic transmission

David S. Case
Landye Bennett Blumstein LLP
701 West 8th Avenue, Suite 1200
Anchorage, AK 99501
dcase@lbbllawyers.com

Counsel for Intervenor-Defendant Northwest Arctic
Borough
Served via:
☐ Facsimile ☐ Regular U. S. Mail
☐ Hand Delivery ☒ Electronic transmission

/s/ James E. Torgerson

JAMES E. TORGERSON (BAR NO. 8509120)
MATTHEW COHEN (BAR NO. 11232)
HELLER EHRMAN LLP
510 L Street, Suite 500
Anchorage, AK 99501
Telephone: 907-277-1900
Facsimile: 907-277-1920
james.torgerson@hellerehrman.com
matthew.cohen@hellerehrman.com

SE 2239342 v1
1/22/08 4:13 PM (38576.0002)

[PROPOSED] ORDER DENYING PLAINTIFFS' MOTION FOR LEAVE TO FILE LIMITED SUMMARY ADJUDICATION MOTION; ADAMS, ET AL. V. TECK COMINCO ALASKA INCORPORATED, ET AL.;
CASE NO.: A04-0049 CIVIL (JWS)
PAGE 2 OF 2

Heller Ehrman LLP
510 L STREET, SUITE 500
ANCHORAGE, AK 99501-1959
TELEPHONE (907) 277-1900